



Lamoine Board of Selectmen

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Minutes of March 6, 2008

Chair Jo Cooper called the meeting to order at 7:05 PM

Present were: Selectmen Richard Fennelly Jr., Brett Jones, Chris Tadema-Wielandt, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Deputy Code Enforcement Officer Michael Jordan, School Committee Chair Faith Perkins, and (briefly), Conservation Commissioner Lynda Tadema-Wielandt. (Selectman Cynthia Donaldson was unable to attend) The meeting was telecast and recorded on Lamoine CTV Channel 7.

Agenda – No changes were proposed to the agenda.

Minutes of February 21, 2008 – Jo moved to approve the minutes with two minor corrections. Richard 2nd. **Vote in favor was 4-0.**

Expenditure Warrant 18 – Selectmen signed the warrant for \$141,567.06. Stu noted that he moved \$90,000 from the investment management account to cover the expenditures.

Cash & Budget Report – Richard asked if boat excise tax collections would pick up soon. Stu said they should start rolling in during May and June.

School Budget – School Committee Chair Faith Perkins said it has been a pretty grim week. She said the School Committee met with the Budget Committee in Early February and reviewed the expense side of the budget. She said the School Committee made substantial cuts to personnel. She said they told the budget committee they would meet again once they had income figures. She said preliminary numbers came in earlier in the week from the Department of Education (DOE), and General Purpose Aid is being cut by about \$260,000. Richard said that works out to about a 60% reduction. Brett asked how much the town will end up with. Ms. Perkins said they didn't spend a lot of time on it because the figure changes daily. Richard said given the state's budget situation, the figure is likely to keep being reduced.

Brett asked how close the town is to zero state funding. Ms. Perkins said it won't happen this year. Richard said he saw the DOE plans to reduce payments to municipalities by \$34-million and asked if that was in addition to the \$35 million booked for consolidation savings. Ms. Perkins said she thinks it is. Jo asked why the school would bother to go through consolidation if it's not receiving any state funding. A discussion followed in regard to the state's long term budget problems and consolidation.

Ms. Perkins said the school committee will meet in the next couple of weeks and look at the budget again. She said they're looking at as many ways as possible to work with other schools which is to Lamoine's benefit. She said the goal is to provide education in a cost-effective way. She said they still have to do a school budget, and they may have final figures in a couple weeks. She said the validated referendum process will still be needed this year, which they hope to accomplish that by the end of May.

Chris asked if the timetable put forth by Ms. Perkins was realistic. Ms. Perkins said she thought it was, but did not know if they would have the real numbers from the state. A short discussion followed on what happens if there is no budget by July 1st.

Consolidation Update – Ms. Perkins said she didn't know anything new – it's up to the Legislature. She said her goal tonight was to set a town meeting date for the school budget.

After a calendar review, Selectmen and Ms. Perkins settled on the open town meeting date of Wednesday, May 21, 2008 with a validated referendum to be held on Tuesday, May 27, 2008. Stu said he would communicate the dates to the Union 92 office, and make sure they will provide the ballots for the referendum.

Jo asked if there was any reaction to the state GPA reduction from the school committee. Ms. Perkins said the figures arrived Monday at the school committee meeting, but she wasn't sure if the school community was aware of the cut. She said they want to look at any ideas, but she just doesn't know, and is open to every consideration.

Construction Update – Ms. Perkins said the school construction project was set to go out to bid today. She said they're opening bids on March 31, 2008 at 2:00 PM at the Superintendent's Office. Brett asked if the state can stop the funding for this project. Ms. Perkins said it was discussed in the paper, but there was nothing about revolving renovation funds being stopped. She said they're in the process of planning for the end of school and start of construction.

Request from Robert Sharkey for Reconsideration of Petition seeking a Secret Ballot Ordinance. – Jo said she is troubled that Mr. Sharkey has never talked to the Board of Selectmen in person. She noted that Cynthia was not present. She said she would prefer to have the discussion with the people who have the concern.

Brett said he supported the decision made earlier by the board in regard to the petition presented by Mr. Sharkey. He said the advice from the legal services

division of Maine Municipal Association (MMA) indicated that such an ordinance might be appropriate for a town with a charter. He said if Mr. Sharkey petitioned to have the town formulate a Charter Commission, he would support that.

Richard noted that he was not present for the vote last year that rejected the request by the petitioners. He said that early on after his election as a Selectman that he favored referendum voting because it does turn out more people. A short discussion followed whether having more people vote or better informed people vote, was preferable.

Richard said the letter from Mr. Sharkey's attorney sheds skepticism on the notion that it would be illegal for us to adopt referendum voting. He said he is not an attorney and doesn't know one way or the other. He asked why the Board would not put the question out to the citizens. He said he'd rather be told by referendum that the citizens don't want the ordinance than be told they did want it and keeping them from deciding that. Brett noted that the ordinance placed in front of the Selectmen last year contained flaws. Richard said that based on the correspondence he's read, Mr. Sharkey recognizes that the ordinance is not perfect. Richard said he'd like to think that if it went to the town for a vote, the question could be reworded to draft an ordinance with safeguards similar to those in ordinances of towns that use the process now.

Richard discussed safeguards, including one that allows towns to continue operating on a previous year's budget should a budget vote fail. He said the safeguards are important. He said he doesn't know if the town would adopt it or not. He said if the town did adopt it, it would give an opportunity to craft the language.

Brett asked about the right of the Board to determine how to vote. He said MMA's opinion seemed to indicated tht it was illegal because it takes away the right of the Selectmen to determine how the town meeting is carried out. Richard said there are towns in Maine that use referendum town meetings in lieu of open town meeting. A short discussion followed between Brett and Richard on whether Selectmen should retain the right to determine how town meeting is conducted.

Richard said he wants to know what the wishes of the majority are, and he would just as soon see it go to referendum. Brett said he's not convinced that a bigger volume of votes leads to a better informed vote. Richard said the Board has to be careful to not put a bias that they may have that results in a decision that doesn't give people a chance to do what they want to do. He said if the Board is predisposed to not wanting referendum voting, it would do a disservice to the town by not giving the voters a chance to make that decision. He said if the

voters want referendum voting, the Board would have to work within that framework.

Chris said the reason he was not in favor of the proposed ordinance this last time is because the ordinance was flawed. He said he didn't see that the Board has a less flawed ordinance in front of them. He said he has no philosophical problem with the town determining how they want to make decisions. He said the Board has to be careful with what's put on the ballot, because the town could get stuck with it. Jo said she agreed.

Chris said one of the arguments in favor of the referendum voting method is that many people can't get to town meeting. He said issued would be discussed at informational meetings, but asked how many must be held, when should they be held, and how would the majority be best served.

Brett said Mr. Sharkey has made comments in regard to town meeting being a social event. Stu noted that a public hearing on any town meeting referendum question is required by law. A short discussion followed.

Richard noted that quite a few people signed the petition despite serious flaws in the proposed ordinance. He said if the Board went forward with the vote, it would stop the issue from hanging over us. Brett said it isn't hanging – the Board has denied it because it's flawed. He said maybe another ordinance could be drafted. A short discussion followed on working with Mr. Sharkey.

Brett said he's not in favor of drafting an ordinance he thinks is a bad idea. He said if Mr. Sharkey wanted to re-draft an ordinance and present it with a petition, that would be OK. Richard said the Selectmen are here to do the town's business. Brett said the Board did – it turned down the petition. Richard said Mr. Sharkey could use a notary to call a meeting and shove the ordinance down the town's throat.

Chris said he didn't think that Mr. Sharkey and the Selectmen are competent to draft something as important as what the ordinance proposed. Richard said he thought that if all worked together, something could be drafted based on similar ordinances in other communities. Jo said she agreed that an ordinance should be proper and workable. She said the onus is on the petitioners to do that, and it's not up to the Board work with them to produce it. She said she would be reluctant to do that until the Board gets a workable document before the town. She said the town doesn't have the obligation to go along with a petition asking the town to do something improper. She said the interpretation from MMA is that this ordinance was trying to dictate to the legislative body the method of voting, and that went beyond what the Board could do. She said the flaws in the proposed ordinance were the reason for the Board's rejection.

Jo said based on the reaction of having an attorney get involved, and from Mr. Sharkey's website talking about her being opposed to referendum voting, the response from the Selectmen was interpreted as trying to deny the town something. She said she felt the opposite is true. She said it appears from Mr. Sharkey's letter that he doesn't understand what the Selectmen said last year. She said he's asking that the Selectmen put that original petition before the town. She said the Board could. Richard said it couldn't because the petition is dated for the past.

Jo said not all the Selectmen are here, and it's a philosophical thing and there are lots of points of view. Jo said it appears Mr. Sharkey is trying to say that many people have barriers to voting. She said they certainly have the right to vote. She also said the Board has the power to reject the petition, but if there are truly enough people to raise the issue, the Board needs to consider it. She said she was not swayed by the letter from Mr. Sharkey's attorney. She said she's willing to revisit, but not willing to help redraft the ordinance. She said it's not the Board's responsibility to draft the ordinance, and the petitioners need to bring before the town something that is reasonable. Richard said he didn't disagree with Jo, but said this could be foregoing the inevitable. He said if the petition had requested the townspeople to direct the Selectmen to develop a referendum voting method, that would be something different. A short discussion followed.

Jo said she really doesn't know what Mr. Sharkey wants because the Board can't seem to have a conversation with him. She said he's been invited to meet, and she really would like to talk with him about it. A short discussion followed.

Michael Jordan said there were only two decisions the Board could make. He said the Board declined the petition and it doesn't have the right to change it. He said the message to the petitioners was to go back and redraft it. He said if the Board wanted to take on the proposed ordinance as a project, its job would be to rewrite and present the ordinance. Jo said she was uncomfortable with the perceived reasons for rejecting the petition. She said a forum about it could be interesting. She said this was an unfortunate approach to effect change. Brett read from the letter from the petitioners' attorney, Eric Stumpf, indicating that the ordinance would be binding.

Brett said if Mr. Sharkey goes through a notary to force a vote, it would be a flawed ordinance. There was a discussion about the notary process. Stu said another petition would have to be circulated if a notary is used. There was a discussion about the possibilities of petitions and notaries.

Jo said she believes in participation and this would take away from participation. A short discussion followed in regard to participation. Brett asked if the notary

process would have to present exactly the same question. Stu said it would, but an attorney probably should be consulted. A short discussion followed in regard to the petitioning process. Richard said he thinks the town will inevitably be dealing with the voting process. Brett said if the petitioners came to the Board with a legitimate document, he would have signed off on it, even though he doesn't personally like it.

Richard asked about the procedure for withdrawing a formally presented petition. Stu said the Selectmen have made a final action on the petition, unless there is a vote to reconsider that action.

Chris moved to table the request until the next meeting at which a full complement of the board is present. Richard 2nd. Stu said the petition process requires that if the Selectmen didn't reject the question on reasonable grounds, the Board would have been required to put the question before voters on the next town meeting warrant, which would have been in January. **Vote in favor was 4-0.**

Liability on Plow Trucks – Stu said he checked with the MMA Risk Pool, and no action is needed in regard to Nankervis Trucking using the salt/sand shed lot to store their trucks provided they've complied with the proof of insurance requirements of the contract.

Building Use Policy – Jo said she didn't have a chance to look at the proposed policy. Chris said the Selectmen need to be careful about restricting the use of the building by residents. He said he has no qualms about requiring good behavior. He said if the Board wants to entertain use of the building by others, a written policy would give the town firmer ground to ask for more. He said he did not run through the proposed policy with a blue pencil. Jo said it's good to have things in writing. She said she wasn't sure about a rental fee. There was a discussion about what a government sponsored group is. Jo said she'd like to revisit the issue when all members are present.

Cable TV Payment – Stu said Time Warner has been in contact, and there should be about \$2,200 more coming. He said they had subtracted programming fees, and he wasn't sure why. A short discussion followed. Stu was commended for keeping a sharp eye on the town's fiscal business

Government Mutual Aid Agreement – Stu reported the MDI League of Towns had the document reviewed by an attorney and it appears the town meeting would have to approve the Selectmen entering into the agreement. He said he would like to put this on the warrant for May when the school budget is considered. Chris so moved. Richard 2nd. **Vote in favor was 4-0.**

Veterans' Memorial Committee – Jo said the committee didn't meet. Stu noted the final payment for Weininger's second bill was on the warrant tonight. Jo said she might have answers on the grant applications by the town meeting.

Assistance to Firefighting Grant – Stu said he went to the grant seminar earlier in the week. He said the Fire Chief favors applying for a brush truck which is one of the priorities for a rural community. Brett helped to explain the need for a brush truck. Selectmen said the application sounded like a good idea.

Aquifer Protection Overlay Zone Draft – Stu said the draft just arrived. Richard said he skimmed through it. Brett asked if it was reasonable. Mike Jordan said the Planning Board would be looking over the draft on March 18th at a workshop. He said the ordinance ultimately would be coming from the Planning Board. Jo said the Conservation Commission has requested that the Selectmen review it and forward comments to the Planning Board for their meeting on the 18th at the school.

GET WET Program – Chris said the presentation will be at the school on March 12th at 7PM. He said if people want to bring in their well water for testing, it will be tested on the spot for nitrates. He said sampling of wells has taken place on or near the aquifer in three towns. He said it would be a good opportunity to learn what the results are.

Checking Account Reconciliation – Selectmen said they would just as soon do this at the next meeting.

Next Meetings – Richard noted that he would not be able to attend the March 20th meeting. Jo said she might not be able to be there either. Stu said he would do a short agenda for the next meeting. Selectmen agreed that there would be one meeting in July on the 17th and one meeting in August on the 14th.

There being no further business, the meeting adjourned at 8:27 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.